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FISCAL IMPACT STATEMENT

LS 6888

BILL NUMBER: HB 1471

NOTE PREPARED: Dec 17, 2004

BILL AMENDED:

SUBJECT: Road Rage.

FIRST AUTHOR: Rep. Reske

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a driver who, with the intent to harass or intimidate another person: (1) operates a motor vehicle in an unsafe manner; and (2) in the same driving incident, performs at least two specified wrongful acts; commits road rage, a Class A misdemeanor. The bill increases the penalty for repeat offenders and for offenders who cause injury or death. It requires a court to suspend the license of a person convicted of road rage and makes road rage an underlying offense of the habitual traffic violator statute.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Summary:* This bill classifies the offense of road rage as a Class A misdemeanor, or Class D, C, or B felony. The bill adds the offense of road rage to the habitual violator list. The bill could create additional expenditures and revenues for the state. However, any increase in either is dependent on the number and type of convictions, and what penalties are enforced.

Penalty Provisions: The bill makes it a Class A misdemeanor to commit road rage. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000.

The bill makes it a Class D felony if the road rage offense results in serious bodily injury to another person. The bill makes it a Class C felony if the road rage offense (a) results in serious bodily injury to another person, (b) the person who commits the offense has a prior unrelated conviction for road rage, and (c) the person's prior conviction for road rage occurred within the 5 years preceding the commission of the current offense; or the road rage offense results in the death of another person. The bill makes it a Class B felony if (a) it results

in the death of another person, (b) the person who commits the offense has a prior unrelated conviction for road rage, and (c) the prior conviction for road rage occurred within the 5 years preceding the commission of the current offense.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average length of stay is approximately two years.

A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances. The average length of stay is approximately 3.7 years.

Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B, C, or D felony is \$10,000.

The bill also allows the court to charge a person who commits road rage resulting in death with a separate offense for each person whose death is caused by the commission of the road rage offense.

Bureau of Motor Vehicles (BMV): This bill adds the offense of road rage to the habitual violator list. Current statute requires the BMV to suspend the license of a habitual violator for anywhere from 5 years to life depending on the offenses of the individual. The addition of road rage to the habitual offender list could create additional administrative duties for the BMV.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

In CY 2003, there were approximately 4,000 habitual violators.

Driving with a Suspended License: It is a Class D felony to operate a motor vehicle while the person's driving privileges are suspended due to the person being classified as a habitual violator. The bill could increase the number of persons convicted of this offense. The state could experience an increase in expenditures and revenues as a result.

Explanation of State Revenues: See *Explanation of State Expenditures*.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local

governments would receive revenue from court fees.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Bureau of Motor Vehicles.

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